

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED

JUL 12 2000

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA
BY [Signature] DEPUTY

TOMMY DALE GLASS,

Petitioner,

v.

JACK COWLEY,

Respondent.

CIV-90-113-A

DOCKETED

ORDER

Petitioner, a prisoner appearing pro se, has filed a notice of intent to appeal this Court's order dated May 12, 2000, transferring the case to the Tenth Circuit Court of Appeals for consideration as a second or successive petition for habeas relief under 28 U.S.C. §2244(b)(3)(A). Petitioner requests a Certificate of Appealability pursuant to 28 U.S.C. §2253. Because Petitioner's case has been transferred for further consideration, there is no final order from which Petitioner may appeal, as required by 28 U.S.C. §2253(c)(1)(A). Accordingly, Petitioner's request for a 28 U.S.C. §2253 Certificate of Appealability [Doc. No. 35] is DENIED as moot.

IT IS SO ORDERED this 12th day of July, 2000.

Wayne Alley
WAYNE E. ALLEY
UNITED STATES DISTRICT JUDGE

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